

REMARKS/ARGUMENTS

In the specification, the heading on page 12, line 1 has been changed to “ABSTRACT”.

Claims 1-9, 11-20 and 22-36 remain in the application. Claims 10 and 21 have been canceled.

The allowance of claims 10 and 21 subject to being rewritten in independent form including all of the limitations of the base claim and any intervening claims is noted with appreciation. These claims have been rewritten in independent form as claims 35 and 36, respectively, which are presumed allowable.

Claims 11-13, 33 and 34 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. To overcome this rejection, claims 11 and 33 have been amended positively to claim the anti-skid pad. Also claim 33 has been amended to recite that the opposite end portions of the base member are substantially thinner than an intermediate length of the base member.

Claims 1-3, 5-7, 16-20 and 22-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mariol et al (4,596,489). However, it is respectfully submitted that the base support of Mariol does not have opposite side walls, one of which is substantially straight and in substantially the same plane throughout its length and the other of which has an intermediate length that is spaced further from the plane of the one side wall than end lengths of the other side wall to provide the base member with a wider intermediate width than end widths as recited in claim 1. Also the so-called mounting hole of Mariol does not have a width greater than the end widths and less than the

intermediate width of the base member as recited in claim 1. Accordingly, claim 1 is submitted as clearly allowable.

Claims 2, 3, 5-7, 16-20 and 22 depend from claim 1 and are submitted as allowable for substantially the same reasons. Moreover, claims 2 and 3 further patentably distinguish over Mariol by reciting, *inter alia*, that the mounting hole has a center that extends in a direction substantially perpendicular to the top wall and is substantially in the same plane as the end lengths of the other side wall. Also claim 3 additionally recites that the intermediate length of the other side wall has outwardly angled end portions extending toward each other and an intermediate portion extending between the end portions in parallel spaced relation to the one side wall.

Claims 5 and 6 further patentably distinguish over Mariol by reciting that the mounting hole has a plurality of laterally spaced longitudinally extending ribs around the entire periphery of the mounting hole that are transversely rounded for establishing line contact with the end portion of the elongated member when inserted into the mounting hole. In Mariol the ribs 60 are only provided on two sides of the so-called mounting hole, not around the entire periphery of the mounting hole as claimed. Nor are the ribs of Mariol et al transversely rounded for establishing line contact with the end portion of the elongated member when inserted into the mounting hole as claimed.

Claims 16-20 further patentably distinguish over Mariol by reciting a carrying handle on an exterior side of the base member. What the Examiner refers to as the carrying handle of Mariol is nothing more than integral rib portions 60A and 60B which are interior of the sides of the base member. These rib portions are not a carrying handle on an exterior side of the base member as recited in claim 16, much less

attached to the exterior of the other side wall of the base member as recited in claim 17 for extending axially from the exterior of one end portion of the intermediate length of the other side wall along an exterior portion of one of the end lengths of the other side wall as recited in claim 18 or integral with the exterior of the other side wall of the base member as recited in claim 19. Moreover, the portions 60A and 60B of Mariol are not a carrying handle that protrudes laterally outwardly beyond one of the end lengths of the other side wall but not laterally outwardly beyond the intermediate length of the other side wall as recited in claim 20.

Claim 23 recites that the base member has one side wall that is substantially straight throughout its length and an other side wall that is substantially straight and parallel to the one side wall except intermediate the length of the other side wall which extends laterally outwardly to provide the base member with a wider intermediate width than end widths, and a mounting hole extending through the intermediate width of the base member having a width greater than the end widths and less than the intermediate width of the base member, similar to claim 1, and is submitted as allowable for substantially the same reasons.

Claims 24-28 depend from claim 23 and are submitted as allowable for substantially the same reasons. Moreover, claims 24, 25, 27 and 28 further patentably distinguish over Mariol, claim 24 by reciting that the mounting hole has a center that is substantially in the same plane as end lengths of the other side wall that is substantially parallel to the plane of the one side wall; claim 25 by reciting that the other side wall has an intermediate length with outwardly angled end portions that extend toward each other and an intermediate portion extending between the end portions in parallel spaced

relation to the one side wall, and claims 27 and 28 by reciting that the mounting hole has a plurality of laterally spaced longitudinally extending ribs around the entire periphery of the mounting hole that are transversely rounded for establishing line contact with a non-circular end portion of the elongated member when inserted into the mounting hole.

Claims 1 and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Stalzer (4,275,535). However, it is respectfully submitted that these claims clearly patentably distinguish over Stalzer by reciting, *inter alia*, that the mounting hole that extends through the top wall in the wider intermediate width of the base member has a width greater than the narrower end widths and less than the intermediate width of the base member.

Claims 1, 8, 9 and 11-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Schwab et al (5,860,386). However, the base member of Schwab et al does not have one side wall that is substantially straight and in the same plane throughout its length and an other side wall having an intermediate length that is spaced further from the plane of the one side wall than end lengths of the other side wall to provide the base member with a wider intermediate width than end widths, much less a mounting hole extending through the top wall in the wider intermediate width having a width greater than the end widths and less than the intermediate width of the base member as recited in claim 1.

Claims 8, 9 and 11-14 depend from claim 1 and are submitted as allowable for substantially the same reasons. Moreover, claim 9 further patentably distinguishes over Schwab et al by reciting that the top wall of the base member, which is substantially

hollow and has a fill hole adjacent one end for filling the base member with a flowable ballast material, has angled surfaces that slope outwardly toward the bottom wall adjacent opposite ends of the base member.

Claims 11-14 also further patentably distinguish over Schwab et al by reciting that the base member has thinned out non-hollow solid end portions and anti-skid pads attached to the bottom wall at the end portions. In addition, claim 12 recites that the bottom wall has recesses at the end portions in which the anti-skid pads are received, claim 13 additionally recites that the anti-skid pads are stapled to the bottom wall at the end portions; and claim 14 additionally recites that the top wall of the end portions has raised ribs to provide increased strength at the end portions.

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwab et al. However, claim 15 depends from claim 1 and is submitted as allowable for substantially the same reasons.

Claims 29-31, 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kulp et al (6,659,681) in view of Mariol et al (4,596,489). According to the Examiner, Kulp et al teach substantially every feature of the claimed invention except for transversely rounded ribs with axially rounded end portions adjacent the top wall. For this feature, the Examiner relies on Mariol et al, contending that it would have been obvious to have modified Kulp et al's ribs to be transversely rounded as taught by Mariol et al in order to more easily and surely place the elongated member in the mounting hole. However, it is respectfully submitted that neither of these references discloses a mounting hole having a plurality of laterally spaced longitudinally extending ribs around the entire periphery of the mounting hole as recited in claim 29. Moreover,

only the end portions of the ribs of Mariol et al are rounded adjacent the top wall. They are not transversely rounded for establishing line contact with an end portion of an elongated member when inserted into the mounting hole as claimed. Further, Kulp et al specifically teaches that the slot 46 in the base 14 complements the tab 16 and tab grooves 36 at the lower end of the vertical panel 12. Thus to modify Kulp et al's ribs so they are transversely rounded for establishing line contact with an end portion of an elongated member when inserted into the mounting hole would be directly contrary to the teachings of Kulp et al and thus not obvious to one of ordinary skill in the art. Accordingly, claim 29 is submitted as clearly allowable.

Claims 30, 31, 33 and 34 depend from claim 29 and are submitted as allowable for substantially the same reasons.

Moreover, claims 33 and 34 further patentably distinguish over the cited references by reciting that the base member has solid opposite end portions that are substantially thinner than an intermediate length of the base member, and anti-skid pads are attached to the bottom wall at the end portions. Also claim 34 additionally recites that the bottom wall of the base member has recesses at the end portions in which the anti-skid pads are received to aid in locating the anti-skid pads on the bottom wall of the end portions, in a manner clearly nowhere disclosed or suggested in any of the cited references.

Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kulp et al (6,659,681) in view of Mariol et al (4,596,489) and Schwab et al (5,860,386). According to the Examiner, the combination of Kulp et al and Mariol et al teach a hollow member but do not teach a fill hole adjacent one end. For this feature, the Examiner

further relies on Schwab et al, contending it would have been obvious to have modified Kulp et al's base to have a hole at one end for filling as taught by Schwab et al in order to fill the base from the end. However, claim 32 depends from claim 29 and is submitted as allowable for substantially the same reasons.

Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kulp et al (6,659,681) in view of Mariol et al (4,596,489) and Kulp et al (5,026,204). According to the Examiner, it would have been obvious to have modified the base of Kulp et al '681 to be recessed in order to accept anti-skid pads in a straight line as taught by Kulp et al '204. However, Kulp et al '204 merely discloses providing a multiplicity of anti-skid teeth or protrusions 26 on the bottom surfaces of the ridges 24 of the corrugations on the bottom of base B in a spaced apart relationship with at least two circles of anti-skid elements 26 arranged on the top of each corrugation and ridge 24. See column 10, lines 6-12 of Kulp et al '204. In contrast, claim 34 specifically recites that the bottom wall of the base member has recesses at the thinned out end portions of the base member in which anti-skid pads are received to aid in locating the anti-skid pads on the bottom wall at the end portions. Thus it is respectfully submitted that the Examiner has combined these references in light of applicants' present teachings and certainly not from any teachings or suggestions found in the cited references, which is clearly improper. Accordingly, claim 34 is submitted as allowable in its own right in addition to being dependent on claim 29.

For the foregoing reasons, this application is now believed to be in condition for final allowance of all of the pending claims 1-9, 11-20 and 22-36, and early action to that end is earnestly solicited. Should the Examiner disagree with applicants' attorney in

any respect, it is respectfully requested that the Examiner telephone applicants' attorney in an effort to resolve such differences.

In the event an extension of time is necessary, this should be considered a petition for such an extension. If required, fees are enclosed for the extension of time and/or for the presentation of new and/or amended claims. In the event any additional fees are due in connection with the filing of this reply, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (Attorney Docket No. PSSIP0115US).

Respectfully submitted,

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